



Appeal Decision

Site visit made on 6 November 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Ref: APP/G5750/W/24/3343510

144 Boundary Road, Plaistow, Newham, London E13 9QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Daniel Bloom, City of London Holdings and Investments Limited against the decision of the Council of the London Borough of Newham.
 - The application Ref is 23/02758/FUL.
 - The development proposed is erection of a single storey ground floor extension to provide a commercial unit.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the interests of clarity, I have taken the site address above from the planning application form as it most clearly identifies the location of the site. I have taken the description of development above from the appeal form rather than the planning application form, as the appellant has confirmed at Section E of the appeal form that the description has changed from that stated on the application form.

Main Issues

3. The main issues are the effect of the proposal on the vitality and viability of designated centres and the character and appearance of the area.

Reasons

Vitality and viability of designated centres

4. Policy INF5 of the Newham Local Plan 2018 (NLP) identifies that proposals should contribute to the re-definition and management of Newham's interrelated town centre hierarchy and network, securing accessible shopping, services and employment in focused, successful centres across the Borough. The policy seeks to direct town centre uses to designated Town and Local Centres first.
 5. There is a small row of four commercial units opposite the appeal site and a corner shop further south on Boundary Road. The proposed shop unit would be attached to an existing hot food take away unit. A school is located opposite on New City Road. The wider area is mainly residential in character. There are bus stops in close proximity and the area is accessible to pedestrians and cyclists.
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6. The appellant asserts that the proposal would be a very small unit, which would be suitable for a start up retail or service business, which would complement the existing small group of commercial units. I am referred to paragraph 85 of the National Planning Policy Framework (the Framework) which highlights the need to support economic growth and productivity. It is stated that this small cluster of commercial units are important to the local residents, given that the nearest local centres of Boleyn and Greengate are over 600m away.
7. Nevertheless, the appeal site is not located within or adjacent to any designated metropolitan, major, district or local centre nor any designated local shopping parade and therefore the proposal would be contrary to Policy INF5.
8. I recognise that the proposed limited size of the unit does not trigger a requirement for an impact assessment under Policy INF5 and that any impact on designated centres as a result of the proposal in isolation may be negligible. Nonetheless, when looking at the potential cumulative effect, should other similar proposals be allowed within the borough, collectively these types of development would provide competition to the designated centres. This would have the potential to detrimentally affect the overarching aim set out in the development plan which seeks to strengthen and enhance the town and local centres. The harm would outweigh the limited economic benefit of the additional retail unit and the more efficient use of the appeal site.
9. Without any substantive evidence to the contrary, the proposal would be likely to cause harm to the vitality and viability of designated centres. It would be contrary to Policy INF5 of the NLP, the aims of which are set out above. It would also be contrary to Policies S6, SP6 and SP7 of the NLP and Policies SD6, SD7, SD8 and E9 of The London Plan March 2021 (LP). These policies seek, amongst other things, that developments promote, improve, strengthen and enhance the vitality and viability of town and local centres and that they discourage out-of-centre development of main town centre uses.
10. The appellant and Council both reference Policy S1 of the NLP in their evidence with regard to the first main issue. It is not cited on the Council's decision notice in relation to this matter. However, criterion c. of Policy S1 states that developments should not undermine town and local centres. I therefore find that the proposal would not comply with this policy.
11. The proposal would also be contrary to the relevant parts of Section 7 of the Framework which states that decisions should support the role that town centres play and that their long-term vitality and viability should be promoted.
12. Policies SP1, SP2, SP3 and SP8 of the LP are referenced on the Council's decision notice, however, these relate to borough wide place making, healthy neighbourhoods, quality urban design within places and ensuring neighbourly development and do not appear to be directly relevant to this main issue.

Character and appearance

13. The appeal site comprises an existing detached two storey building with a flat roof and the associated land around it, located on a corner plot at the junction of Boundary Road and New City Road. The ground floor of the appeal property

has a modern shopfront and is currently occupied by the King Rooster hot food take away. Other than the building on the appeal site, the four commercial units opposite and the New City Primary School, the built form within the vicinity of the appeal site mainly consists of two storey terraced residential properties with pitched roofs.

14. Whilst the existing building on the appeal site is not reflective of the built form around it, it does inform the character and appearance of the corner location in which it is sited. The proposed extension would be subservient in width and height and would follow the same roof type, design and materials as the building that it would be attached to. Built form would step down towards the junction and a level of meaningful separation would be retained between the proposal and the footway.
15. Whilst I understand that permission has been granted by the Council for a different residential scheme on the appeal site, I must deal with the appeal proposal on its individual merits. The proposed extension would appear sympathetic to the host building in its design and materials and would therefore result in a coherent scheme. The size of the appeal site is limited, and I find that it would be appropriate to allow for some external space around the building to enable its commercial operation. I therefore do not consider that the proposal would result in piecemeal development or the ineffective use of land in this case.
16. I therefore find that the proposal would not be harmful to the character and appearance of the area. It would therefore comply with Policies S1, S6, SP1, SP3 and H1 of the NLP and Policies D1, D3, D4 and D8 of the LP. These policies state, amongst other things, that new development will be well integrated with its surroundings, enhance local context, optimise the site capacity, deliver good design and ensure buildings are designed to activate and define the public realm. The proposal would also comply with the relevant parts of the Framework in this respect.
17. Policies SP2 and SP8 of the LP are referenced on the Council's decision notice, however, these relate to healthy neighbourhoods and ensuring neighbourly development and do not appear to be directly relevant to this main issue.

Conclusion

18. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR